IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO.6488 OF 2006

Shabbir S. Shaikh ..Petitioner.
V/s.
Sahyadri N.S.P.Sanstha & Ors. ..Respondents.

WITH
WRIT PETITION NO.6489 OF 2006

Moula I. Pathan ..Petitioner.
V/s.
Sahyadri N.S.P.Sanstha & Ors. ..Respondents.

WITH
WRIT PETITION NO.6492 OF 2006

Shabbir S. Shaikh ..Petitioner.
V/s.
Sahyadri N.S.P.Sanstha & Ors. ..Respondents.

Shri U.R.Mankapure, adv. for Petitioners in all the Petitions.

Mr.R.V.Govilkar, adv. for the Respondent No.1

Shri R.M.Patne, A.G.P. for the Respondent No.2.

CORAM: J.H.BHATIA, J.
DATE : 31st August, 2007.

P.C.:

1. Heard the learned counsel for the Petitioners and the Respondents.

2. In each of these three matters, petitioners state that twice the Deputy Registrar had refused to issue recovery certificate under Section 101 of the Maharashtra Co-operative Societies Act in view of the

allegations and the disputes filed by the petitioner and both the times, matter was remanded by the revisional authority for fresh hearing. These petitions were filed against the second remand order passed by the revisional authority. Meanwhile, the Deputy Registrar has issued recovery certificate under Section 101 after the matter was remanded to him second time. As the recovery certificate has been issued, the petitioners have got the remedy of revision under Section 154 of the Maharashtra Co-operative Societies Act. The learned counsel for the petitioners seeks to withdraw the petitions to exercise the remedy of revision with a request that the recovery certificates issued under Section 101 may be stayed till the decision of the revision application.

2. Petitions stand disposed off as withdrawn with liberty to the petitioners to file revision application under Section 154 of the Maharashtra Co-operative Societies Act within two weeks from this date. If the revision applications are filed within two weeks, the question of limitation will not be taken up by the respondents. The execution of certificates issued under Section 101 of the Co-operative Societies Act by the Deputy Registrar shall remain stayed till the decision of revision application and in case, the decision in revision application goes against the petitioners, the

certificates shall remain stayed for further two weeks so that they may, if so advised, challenge that order.

(J.H.BHATIA,J.)